

THE STATUS OF GEORGIA.

LETTER

TO

HON. JOHN B. DICKEY,

Senator Forty-First Senatorial District,

UPON

THE STATUS OF GEORGIA,

BY

HON. HENRY P. FARROW,

Attorney General of Georgia.

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UPON THE STATUS OF GEORGIA.

WASHINGTON, D. C., *April 13, 1869.*

To Hon. JOHN B. DICKEY,

Senator from 41st Dist., Morganton, Fannin Co., Ga.

DEAR SIR: Your letter of the 3d instant came duly to hand, and would have been answered sooner but for want of time. I have received a great number of similar letters from all portions of our State, from both white and colored friends, and as the multiplicity of them renders it out of my power to answer them all with my pen, I have thought proper to issue this circular letter, rather than leave the inquiries made by yourself and others unanswered. The anxiety alluded to as existing in your community to know what will ultimately be done with reference to Georgia prevails universally throughout the State; and not only do our friends inquire by letter, but for several days last week I was hourly in receipt of telegrams of like character. That my friends and the Republicans generally may be in possession of the facts relative to the status of Georgia before Congress, I shall not confine myself to the points inquired of in any one letter, but will be more general in the presentation of my views.

It will therefore be necessary to allude to some of the evils existing in Georgia, the manner in which we seek to remedy those evils, and the prospect of success in our efforts. In alluding to these evils, it will not be my purpose to attempt, in this letter, to show their origin, or to show who is responsible for them; but I will say, however, that when I came here last May, bearing to the President of the United States the constitution of Georgia, I made known, during my two months' stay in this city urging upon Congress the acceptance of that constitution, my fears that Union men in Georgia, though victorious in the elections before the people, would be deprived by General Meade of the fruits of that victory, and gave my reasons for that belief.

With a view to preventing the enemies of reconstruction from taking control of our new government, it was provided, while I was here, by a law which was passed by Congress on the 25th of June, that no person should be eligible to a seat in either house of our General Assembly who would be ineligible under the "3d section of the proposed amendment

to the Constitution of the United States." At the time of the passage of this law, 25th of June last, the amendment had not become a part of the Constitution, hence the necessity of special legislation by Congress to prevent such persons from sitting in our General Assembly, as it was feared the test oath would not be administered. When our Legislature met on the 4th day of July last, within *nine* days after the passage of that law by Congress, it was organized in open disregard of, and *in violation of that law!* Yes, within ten days after Congress by solemn act declared, as a condition upon which we were to be restored to the Union, that such persons should not sit in our General Assembly, we find a large number of these ineligible persons, *in defiance of Congress*, usurping the privileges and powers of legislators.

The true friends of Congress, and of the Republican party, met this usurpation with proper spirit, and would have crushed it in its incipient stage but for the treachery of a few so-called Republicans, whose thirst for office is stronger than their attachment to principle, and who "cringed the suppliant knee, that thrift might follow fawning."

The General Assembly of Georgia, controlled by a large number of usurpers, among other things proceeded to elect United States Senators, and Mr. Hill and Mr. Miller were elected. Against these gentlemen, personally, I have nothing to say, but I must protest against their recognition as duly elected Senators from Georgia, because they were not elected by a duly organized legislative body. And, moreover, I have used whatever of influence or power I possess to prevent the appointment to office under the new administration of those persons who sold themselves out to the Democracy, and foisted upon the people of Georgia a General Assembly composed so largely of usurpers. And I am happy to be able to say to the Republicans of Georgia, that when Mr. Hill's credentials were referred to the Judiciary Committee of the Senate, composed of the ablest lawyers of that body, every Republican upon that committee agreed, and the report of the committee declared, "that Joshua Hill, claiming to be a Senator elect from Georgia, ought not now to be permitted to take a seat in this body. And I am glad to be able to say, furthermore, that the whole Georgia case was involved in the question as to whether or not Mr. Hill should be seated, and the prompt rejection of his claims to a seat in the Senate removes all doubt as to the purpose of the Senate.

The above alluded to report of the Judiciary Committee discusses the composition and organization of our General

Assembly, and declares most emphatically, "*that Georgia is not entitled to representation in Congress.*" This action of the Senate was based both upon the illegal organization of the General Assembly, and its subsequent unparalleled outrage upon republican principles in expelling the colored members. Had its original organization been *due and legal*, Congress would still have found ample cause, in the expulsion of the colored members, for declaring the State not entitled to representation. There is nothing in all the history of republican government that equals the injustice or folly of that outrage upon one half the *citizens* of Georgia.

Constitutions and laws, which stand paramount to the statutes of Georgia, have conferred citizenship upon our colored people. Colored people having become *citizens*, they are entitled to all the *rights of citizens* under section 1648 of Irwin's Revised Code, which reads as follows:

"Among the rights of citizens are, the enjoyment of personal security, of personal liberty, private property, and the disposition thereof, the elective franchise, *the right to hold office*, to appeal to the courts, to testify as a witness, to perform *any civil function*, and to keep and bear arms."

Section 1649 of said Code reads as follows:

"*All citizens are entitled to exercise all their rights as such, unless specially prohibited by law.*"

In the succeeding sections of the Code, females, minors, convicts, persons *non compos mentis*, &c., are "specially prohibited by law" from holding office or performing any civil function, "unless specially authorized by law." But there is no special prohibition of the colored man. It is as clear as the noon-day sun, that the colored man, since becoming a citizen, has the right, under the constitution and laws of Georgia, to hold office; and no man, possessed of any legal learning, will honestly deny the proposition, unless his judgment is warped by passion or prejudice.

The open violation of, and bold defiance of a law of Congress, before it had been even for the brief period of ten days upon the statute books of the nation, and the subsequent expulsion from the General Assembly of a large number of its duly and legally-elected members, without cause, *for the accomplishment of political purposes*, are the two great evils of which we complain, and for the correction of which we ask congressional intervention; but we do not ask for military government.

The antagonism to republican principles which prompted reckless men to spring forth under the connivance of General Meade, at the very moment of the birth of our government,

and strangle it in its first moments, is not likely to become more tolerant of such principles in administering a government which is the offspring of usurpation, but will most surely, if permitted, seek step by step to accomplish the extinction of every republican sentiment. When the question of the expulsion of the colored members was being agitated, I attended a meeting of Republican legislators, and advised moderation and prudence, when there were some apprehensions of violence and rashness. I then assured my Republican friends, in a speech to that meeting, that Congress would reorganize our General Assembly, and restore the colored men to their seats if they should be expelled. It was well known to our people that such were my views; and when our party met soon thereafter in convention to nominate an electoral ticket, and placed my name at the head of the ticket as first elector for the State at large, without a single dissenting voice, I was proud of the honor conferred upon me, chiefly because it was considered an endorsement of the Republican principles I entertained. Being requested by the State Central Committee to canvass upper Georgia, I did so; and on all occasions I upheld the constitutional amendment and reconstruction laws, and denounced the manner in which the General Assembly had been organized in violation of the constitution and the laws.

On all occasions I proclaimed and defended the right of the colored man to hold office in Georgia, and assured the people that Congress would restore them to their seats in the General Assembly. I canvassed about thirty counties, embracing all of northern Georgia, it being the portion of the State where we were strongest among the whites. I did not deceive the people, but on all occasions told them the colored man *was eligible to office, and ought to be*; and with the true principles of our party thus presented to our white friends of northern Georgia in the Presidential campaign, I watched with anxiety the result at the polls. The result was truly gratifying, as President Grant received in the aggregate in those counties, notwithstanding in some of them there were not ten colored voters, within about one hundred votes of the number cast the previous spring for Governor R. B. Bullock. When in the remaining three-fourths of the State there nearly fifty thousand votes less for President Grant than had been cast for Governor Bullock. The result in northern Georgia was gratifying, not because I had canvassed those counties, but because our friends stood nobly to their principles, when thus authoritatively expounded to them, with assurances that the colored members would be restored to their seats in the Gen-

eral Assembly. You will remember, Mr. Senator, that such was the exposition of our principles in each of the counties of your district, and that the Republican majorities were increased in two out of three of those counties. I allude to these things to show that our colored citizens in middle and southern Georgia need have no fears of being abandoned by our white friends in upper Georgia, but may confidently rely upon their continued fidelity to principle in seeking to relieve the people of the present illegally-organized and revolutionary Legislature.

I cannot and will not admit that our General Assembly was duly and legally organized, or that the expulsion of a large number of its legal members without cause was any thing else than revolutionary in its character. The principles which I conscientiously entertain, and my sense of right and justice, dictate to me that it is my duty to seek in every honorable way to correct those evils; and, at whatever sacrifice, "*duty shall be the monitor that directs.*" What intelligent man will deny that there are many persons in our General Assembly whom the Constitution and laws of the United States declare shall not occupy seats in that body? Who but those who seek every opportunity for perpetuating the power of the former slave oligarchy of the South defend or apologize for the expulsion of the colored legislators? Yet the Republicans of Georgia, who merely ask the United States Government to vindicate its Constitution and laws by arresting usurpation and revolution, are denounced as common enemies of the country.

These matters have been properly and truthfully presented to the executive and legislative departments of the Government, and will be in due time thoroughly remedied. The action of the Senate, in refusing to recognize Mr. Hill and seat him as Senator, upon the ground that Georgia is not entitled to representation because of the illegal and revolutionary character of the body by which he claims to have been elected, and their further refusal, at the end of the session, to allow him the pay usually allowed persons claiming to be elected, is a sufficient declaration of the well-settled purpose of the Senate to see that Georgia shall be duly and legally reconstructed. The House of Representatives has also refused to admit the members elect from Georgia until the State is duly reconstructed. Both Houses of Congress are determined to see that Georgia is required to comply with and conform to the letter and the spirit of the reconstruction laws before we are represented in either House.

The Reconstruction Committee of the House of Representa-

tives have thoroughly examined into the whole subject, and have agreed upon and reported a bill enforcing the Constitution and laws in Georgia. That bill has not been acted upon yet, though it has been partially discussed, and would have been passed, with some modifications, by a large majority in each House, could it have been reached before adjournment. The Fortieth Congress expired, and the Forty-First Congress convened on the 4th of March with the expectation of continuing in session until certain important measures, and among them the Georgia bill, could be disposed of. Indeed, there was a caucus of the Republican Senators about the 4th of March, which passed a resolution that they would remain in session until, among other things, they could pass a law concerning Georgia; but, since the inauguration of President Grant, the city has been so completely flooded with office seekers, that it has been impossible for Congress to progress with business as was expected. It is impossible for any one who has not been here to conceive of the multitude of office seekers, from all parts of the Union, who have infested the city and "hounded" down the Congressmen for office. On no former occasion was there ever such a rush for office under an incoming administration. The Congressmen were pursued night and day, in season and out of season, until, from exhaustion, they were compelled to seek refuge by adjourning and going home. Finding that it would be impossible to devote to the Georgia bill as much time as would be necessary for its full discussion, it became necessary, either to call the previous question, and pass it without allowing those opposed to it an opportunity of being heard, or postpone action until next December. A motion was made the last week of the session for the previous question, by those of our friends who preferred to close the discussion and pass the bill now, rather than wait until December, that the opposition might have a fair chance to be heard, which motion was not approved of or sustained by a large number of our friends, who, though determined to vote for the bill, were unwilling to choke off the opposition and refuse to hear them upon it. On the vote for the previous question and immediate passage of the bill, it came within *six votes* of passing, notwithstanding a large number of our friends voted against sustaining the previous question, who then and afterwards declared their intention to vote for the bill at the proper time. The subject was then discussed until the hour of adjournment arrived, and as there were but two more days before the time fixed for Congress to adjourn, it was not again taken up, but, like many other important bills, was compelled to lay over until next December.

The friends of the constitution and the reconstruction laws in Georgia may rest assured that both Congress and President Grant are firmly resolved that American citizens shall be protected wherever the American flag floats, and that upon the reassembling of Congress, all needful legislation *will be enacted*. In the meanwhile the people of Georgia are placed, as it were, upon their good behavior, and it is to be hoped they will appreciate the situation, and do nothing that will give additional severity and harshness to legislation which is inevitable, and which will, in any event, be sufficiently rigid.

General Terry, who has been ordered to Atlanta to command our department, and with whom I have had the honor of becoming acquainted, is a noble specimen of the soldier and the gentleman. He will arrive and take command about the middle of May. With a consciousness of the fact that General Terry is coming to Georgia to make good the inaugural address of President Grant with reference to the protection of American citizens wheresoever our flag floats, the most humble citizen of Georgia may feel safe in the enjoyment of that dearest of all the rights of American citizens—freedom of speech.

There may be those who seek to discourage the true friends of republican governments and lead them into the error of attempting to establish a new political party in Georgia, based upon the principle that the colored citizen should be entitled to vote, but not to hold office. If so, I beseech my friends to turn their backs upon such principles and upon such a party, and to be true to their principles, their party, their government, and themselves. The day has passed for a “*White Man’s Party*,” or a “*Black Man’s Party*.” There are but two, and can be but two, great political parties in our country, and they are the Republican and Democratic parties, and their new party will be without root, stem, or branch, and therefore *cannot exist*. And those men who are now attempting to organize a new political party in Georgia are men who have been discarded by the two great political parties, because they are unworthy of the confidence of any political party or of any people. Those men would beguile the people if possible into opposition to our Government, and our great chieftain President Grant, because honesty and capacity—not color—being regarded the essential qualifications for office, we find among the list of our foreign ministers the black man as well as the white man; because in the list of important revenue officers we find the colored man; because in the list of important postmasters we find the colored man.

There may be a few *disappointed-office-seeking* Republicans who may attempt to aid the discarded Democracy in organizing a new party in Georgia to oppose President Grant's Administration because of his recognition of the great cardinal principle of our party, that the colored citizen is entitled to all the rights of citizenship; because he has appointed Mr. Basset and Mr. Clay, two colored citizens, as ministers to foreign countries; because he has appointed Mr. Joubert, a colored citizen of New Orleans, assessor of internal revenue in that metropolis; because he has appointed Mr. Wilder, a freedman, postmaster of Columbia, the capital of South Carolina; because he has appointed two colored citizens magistrates of the District of Columbia. If so, let them go; but I have an abiding confidence that the true Republicans, white and colored, in Georgia, will be true to their principles and their party, and will rally around President Grant and uphold his Administration. We will never abandon the Republican party to organize a white man's or a colored man's party, nor will we ever abandon the contest in Georgia until every citizen, white or colored, enjoys equally under the law all the rights of citizens; and, with Ulysses S. Grant as our chieftain, we can well afford to "fight it out on this line."

And in this connection I must say, that the firm, decided, bold stand taken and maintained by his excellency Governor R. B. Bullock in opposition to usurpation and revolution in our State, in opposition to the daring effort to strike down with one fell swoop half of the citizens of our State and deprive them of their dearest rights as citizens, must not only endear him to all Republicans everywhere, but must command the respect and admiration of his most bitter political opponents.

In conclusion, I have only to add, that if we will but be true to our principles and ourselves, a victory, and a triumphant victory, will crown our efforts for the establishment of republican government in Georgia, based upon principles of justice and of truth.

Very truly, yours, &c.

HENRY P. FARROW.

P. S. I am happy to say that the Radical war-horse, Hon. James L. Dunning, has triumphed over the combined forces of the Democracy and their allies the advocates of the "*new party*," and has been made postmaster at Atlanta.

H. P. F.

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